

Date of decision: 16/02/96

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.THAKKER

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

RAMABHAI DWARKADAS PATEL

vs

GOVERNMENT OF GUJARAT & ORS .

Appearance:

MR JD AJMERA	for Petitioner
MR.DA BAMBHANIA	for Respondent No. 1, 2, & 3.

Coram : MR.JUSTICE C.K.THAKKER

ORAL JUDGEMENT

The learned counsel for the petitioner seeks permission to delete the name of the respondent no.4, as according to Mr.Ajmera, the petitioner does not claim any relief from respondent no.4. He further states that the respondent no.4 management was in favour of the petitioner which is clear from the letter dt. August 24, 1994, Annexure.I to this petition Permission is granted. Respondent no.4 is ordered to be deleted.

Rule. Mr. D.A.Bambhania, appears and waives service of Rule on behalf of the respondents. In the facts and circumstances the case, the matter is taken up for final hearing to day.

This petition is filed against inaction on the part of the respondent-authorities in not declaring the petitioner as entitled to protected teacher with all consequential benefits. It is his case that he was entitled to get declaration as protected teacher and since he was deprived of the said right he approached the Gujarat Secondary Education Tribunal, Ahmedabad , by filing Application No. 69 of 1990 which came to be disposed of by judgment and order dt. June 11, 1991. That application came to be rejected and in the operating part the Tribunal observed as under:

In the result, the applicant is not allowed. The claim of the applicant for a declaration as a protected teacher w.e.f. 1965 or 1966 is rejected. However, it is recommended to the Department to consider the case of the applicant sympathetically and make available to him the benefits of protected teacher by making amends and by passing appropriate orders regarding G.P.F. and C.P.F. if deemed fit."

The learned counsel for the petitioner states that pursuant to the above order the petitioner made an application to the Department. The Tribunal has directed the authorities to consider the case of the petitioner "sympathetically" and make available to him benefits of the protected teacher by making amends and by passing appropriate order regarding GPF and CPF, if deemed fit. The respondent authorities have not passed any final order so far. In view of the fact that the authorities have not passed any order, according to the petitioner, only direction which can be given to the respondent authorities would be that if such application is not decided and no final order is passed by the respondent authorities, they will pass appropriate order in accordance with law in the light of the observations made by the Tribunal as expeditiously as possible preferably within three months from the receipt of the writ. Rule is made absolute accordingly to the above extent with no order as to costs.
